



**PLANNING COMMISSION  
Minutes of the Regular Meeting  
Council Chambers  
8200 Westminster Boulevard  
Westminster, CA 92683  
January 20, 2016  
6:30 p.m.**

---

**1. ROLL CALL: ANDERSON, MANZO, NGUYEN, SPENCER, AND VO**

PRESENT: Anderson, Manzo, and Vo

ABSENT: Nguyen and Spencer

**2. SALUTE TO FLAG:**

Administrative Assistant Shelley Dolney led the salute to the flag.

**3. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS**

Associate Planner Steve Ratkay stated four late communication items were received after the agenda distribution date of January 14, 2016. All items received relate to item 8.1 on the agenda. 1) Two photographs received January 15<sup>th</sup> and intended to be an addition to attachment 7. 2) Five letters supporting the proposed variance. 3) An email opposing the proposed variance. 4) Three additional letters received today, January 20<sup>th</sup>.

**4. EX PARTE COMMUNICATIONS**

Commissioner Vo stated he visited the site but did not speak to the residents.

**5. SPECIAL PRESENTATIONS - None**

**6. ORAL COMMUNICATIONS - None**

**7. APPROVAL OF MINUTES – December 16, 2015**

**Motion:** It was moved by Vice Chair Manzo, and seconded by Commissioner Vo, to approve the Planning Commission meeting minutes of December 16, 2015 as submitted. The motion carried (3-0) by the following vote:

AYES: Anderson, Manzo, and Vo

NOES: None

ABSENT: Nguyen and Spencer

ABSTAIN: None

**8. PUBLIC HEARINGS**

**8.1 Case No. 2015-60 (Variance)**  
**Location:** 15771 Condon Circle  
**Applicant:** Dale Winter

A request for a variance to maintain an existing 312 square-foot rear-yard patio cover where a 39 square-foot portion of the patio cover extends within the ten-foot required minimum rear-yard setback.

Associate Planner Steve Ratkay provided a presentation to the Commission. He presented images of the subject property and a parcel map showing the irregular shaped lot. He also discussed the measurements of the irregular lot and how far into the setback the patio cover encroaches. He stated the portion of the patio cover that extends into the required minimum rear-yard setback five-feet and ten-inches from the rear property line as measured from the support post and the overhang portion of the patio is three-feet and six-inches from the property line.

Vice Chair Manzo inquired about the reason the application fee for this variance request was waived. Chair Anderson explained the Planning Commission's role in deciding if the variance was justified and added the role did not include the application process or related fee waivers. Vice Chair Manzo stated he was curious about the matter and would like to have staff explain how the fee waiver was determined at a later time.

Vice Chair Manzo inquired if staff has measured the site to make sure measurements are correct. Associate Planner Steve Ratkay affirmed staff took measurements on January 18<sup>th</sup>. Vice Chair Manzo also inquired if other homes in the area had been granted a variance; adding that it is one of the justifications for a variance. Associate Planner Ratkay stated a home on Earl Circle was granted a rear-yard setback variance for a lattice cover. He added that cul-de-sac lots often have the best justification for a variance due to their irregular shape.

**CHAIR ANDERSON OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY SPEAKERS WISHING TO SPEAK IN FAVOR.**

Dale Winter (Applicant), residing at 15771 Condon Circle, spoke about his irregular lot shape and parcel dimensions as a justification for the variance; stating that his lot has only a 90-foot depth on one side, while other homes in his area have a 100-foot depth. He added that the patio has been there at least 40 years and has never been an issue previously. He shared that the main reason the variance is necessary is due to a Code Enforcement issue of a neighbor's pool slide and now he needs a variance for his existing patio structure.

James Stratton (Westminster Resident), residing at 15762 Condon Circle, stated he has been a resident in that neighborhood for 40 years and believed the original owner may have installed the patio cover because it had been in place for as long as he

could remember. He added that there had never been any complaints about it.

CHAIR ANDERSON ASKED IF THERE WERE ANY SPEAKERS WISHING TO SPEAK IN OPPOSITION.

Veronica Ramirez (Westminster Resident), residing at 15762 Earl Circle, stated her property abuts Mr. Winter's property and she is the resident most affected by his patio. She stated that she submitted a letter of opposition last week as well as some pictures; she read her letter of opposition into the record. She added that she had a chance to review Mr. Winter's variance application and she found the measurements provided are from the nearest post; not the nearest point, which is three feet from the property line. She stated if the patio variance is allowed, she requests the opportunity to apply for a variance for a pool slide with a fee waiver.

CHAIR ANDERSON CALLED THOSE IN FAVOR FOR REBUTTAL.

Dale Winter (Applicant), residing at 15771 Condon Circle, stated he thought the fee may have been waived due to the 20 year old permit that showed the patio cover existing, but he is not sure why the fee was waived. He showed images of the previous pool slide location and location of the patio cover. He stated that his dinner parties are small and no more than five people may be using the patio at a time. He voiced his concerns about the opposition's claims of racism and provided a list of his friends and relatives and their nationalities.

James Stratton (Westminster Resident), residing at 15762 Condon Circle, stated he would like to add to his statement that three families have owned the home and he knows the patio was already existing when the second owner purchased the home. He added the house was about 10 years old when the first owner sold the home.

CHAIR ANDERSON CLOSED THE PUBLIC HEARING.

Commissioner Vo stated due to the irregular lot size he did not see a problem with the proposed variance request and would be in favor of approval.

Vice Chair Manzo stated he had a problem with the variance since the other neighbor was not allowed the same variance privilege. He added that he was torn with his decision since the patio was also there for a long time; but, he sympathizes with the applicant and the neighbor since neighbor disputes are difficult.

Chair Anderson stated based on the information received by the commission for the proposed variance, he felt the variance was justified. He added he would be in favor of approval.

**Motion was made by Commissioner Vo**, and seconded by Chair Anderson, to approve a variance allowing a patio cover to project into the required rear yard setback at 15771 Condon Circle.

The motion carried by the following vote:

AYES:           ANDERSON, MANZO, VO  
NOES:           None  
ABSENT:        NGUYEN AND SPENCER

**9.   REGULAR BUSINESS - None**

**10.   REPORTS - None**

**10.1.MATTERS FROM THE PLANNING COMMISSION**

Vice Chair Manzo requested that the issue of donation bin regulation be placed on a future agenda for discussion.

**10.2.AB 1234 Reports - None**

**11.   ADJOURNMENT – The meeting was adjourned at 7:14 PM to the Regular Meeting on Wednesday, February 3, 2016 at 6:30 p.m.**

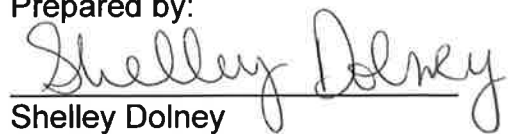


Don Anderson  
Chairman



Art Bashmakian  
Planning Commission Secretary

Prepared by:



Shelley Dolney  
Administrative Assistant